

R E M A R K S

In The Office Action dated July 31, 2003, claims 12-22 are pending, claims 12-20 and 22 are rejected, and objection is made to claim 21. Applicants appreciate the acknowledgement of patentable subject matter in claim 21.

The above amendment is submitted to more particularly point out and distinctly claim the subject matter regarded as invention. The amendment does not change the scope of the claim.

Objection is made to the disclosure because of reference to the claims. The specification has been amended to replace reference to the claims with the original claim language. A substitute specification containing the amendments is enclosed along with a red-lined version showing the changes. No new matter is added.

Objection is made to the drawings as allegedly failing to show every feature of the invention specified in the claims. Particularly, the examiner alleges that the rough surface must be shown or cancelled from the claims. Applicants wish to call the examiner's attention to Fig. 8, which shows a rough surface of the shank, as claimed. Further, it is clear from the original specification, page 6, second and third paragraphs, that the rough surface is an embodiment for the shank 14 of Fig. 3. Thus, it is respectfully submitted that the drawings do show the rough surface feature of the claims. If the examiner believes this drawing still is not sufficient, please call Applicant's attorney to discuss and resolve this matter.

Claim 19 is rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to provide support that the shank has a rough surface. For the reasons discussed above with respect to the drawings objection, Applicants submit that the specification discloses and teaches that the shank can have a rough surface. If the examiner believes this description still is not sufficient, please call

Applicant's attorney to discuss and resolve this matter.

Claims 12-19 are rejected under 35 U.S.C. §103(a) over Metz-Stavenhagen et al. (U.S. 6,074,391; "Metz"). Applicants disagree that Metz shows all features of claim 12 except for the feature that the head of the screw has a spherical segment-shaped section **and** the screw has a separable shank element.

The Examiner identifies the cage 106 as head of the screw. However, this is not an appropriate identification, because the head of the screw is clearly the ball-shaped end 102 of the screw 100 as shown in Fig. 11 and described at column 6, lines 23-32. Therefore, the thread section and the head of the screw are formed integrally in the embodiment according to Metz.

The cage 106 has the function to exert pressure on the head 102 of the screw 100 shown in Fig. 11. The cage 106 of Metz corresponds to the element exerting a pressure on the head according to claim 12. Thus, there is a substantial difference between the subject-matter of claim 12 and the embodiment according to Fig. 11 of Metz.

Even if the cage 106 according to Metz were considered to be the head of the screw, as claimed in claim 12, there is still a substantial difference between Metz and the present invention. The "head" 106 according to Metz does not have a spherical segment-shaped section and the receiving portion 108 does not have a second region adjoining the second end for receiving the spherical segment-shaped section of said head 106. As A consequence thereof, polyaxial adjustment of the screw head in the receiving portion is not possible with the embodiment according to Metz, because the cage 106 is fixed in an axial direction within the receiver portion.

Claims 20 and 22 are rejected under 35 U.S.C. §103(a) over Metz in view of Brumfield et al. (U.S. 5,527,314). Metz is discussed in detail above. Brumfield does not make up for any of the deficiencies of Metz. For example,

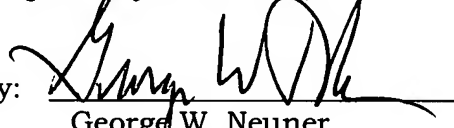
Brumfield also fails to teach or suggest that the head of the screw has a spherical segment-shaped section **and** the screw has a separable shank element, as claimed herein.

It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

If for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. **04-1105**.

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Respectfully submitted,

By: 

George W. Neuner
Reg. No. 26,964
Edwards & Angell, LLP
P.O. Box 9169
Boston, MA 02209
(617) 439- 4444

Customer No. 21874